

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Caption in compliance with D. N.J. LBR 9004-1(b)

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In re:

HOLLISTER CONSTRUCTION SERVICES,
LLC,

Debtor.

Chapter 11

Case No. 19-27439 (MBK)

Hearing Date: January 2, 2020, 10:00 a.m.

Relates to ECF Doc. # 692

**JOINDER BY MERCEDES-BENZ USA, LLC TO DEBTOR'S MOTION
FOR ENTRY OF AN ORDER DETERMINING THAT CERTAIN
CREDITORS HAVE VIOLATED THE AUTOMATIC STAY, THAT
CERTAIN ASSERTED LIENS FILED POST-PETITION ARE VOID *AB
INITIO*, AND FOR RELATED RELIEF**

Mercedes-Benz USA, LLC ("Mercedes") submits this joinder to Hollister Construction Services, LLC's ("Debtor") *Motion for Entry of an Order Determining that Certain Creditors have Violated the Automatic Stay, that Certain Asserted Liens Filed Post-Petition are Void Ab Initio, and for Related Relief* (the "Lien Motion") [ECF Doc. # 692], and respectfully states as follows:

JOINDER

1. Mercedes is the owner of certain real property located in Robbinsville, New Jersey (the "Property").

2. Debtor and Mercedes are parties to a construction contract pursuant to which Debtor was to make certain improvements to the Property.

3. Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code on September 11, 2019 (the "Petition Date").

4. After the Petition Date, some of Debtor's subcontractors filed construction liens against the Property.

5. Those post-petition liens are void *ab initio* and were filed in violation of the automatic stay. See In re Linear Electric Company, Inc., 852 F.3d 313 (3d Cir. 2017).

6. Debtor filed the Lien Motion on December 20, 2019.

7. As part of the relief requested in the Lien Motion, Debtor requests that the Court enter an Order declaring that the post-petition construction liens filed against Mercedes's Property are void *ab initio* and directing that the lien claimants discharge their liens.

8. Mercedes agrees with the substantive arguments raised by Debtor in the Lien Motion.

WHEREFORE, Mercedes hereby joins in the Lien Motion and respectfully requests that the relief sought therein be fully granted.

Dated: December 31, 2019

McCARTER & ENGLISH, LLP

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